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LASHAUNDA M. McDANIEL,
Plaintiff,
v.
PATRICK R. DONAHOE, et al.,
Defendants.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Case No. 12-cv-05944-JSC

**ORDER TO PLAINTIFF TO FILE
OBJECTION TO DEFENDANT'S BILL
OF COSTS BY OCTOBER 17, 2014**

The Court previously granted summary judgment in favor of Defendant Patrick R. Donahue, Postmaster General of the United States Postal Service, and against pro se Plaintiff LaShaunda McDaniel. (Dkt. No. 78.) Defendant subsequently filed a Bill of Costs for \$2,645 against Plaintiff, who was previously granted leave to proceed in forma pauperis due to her limited financial resources.

Federal Rule of Civil Procedure 54(d)(1) provides that, “unless a federal statute, these rules, or a court order provides otherwise, costs—other than attorney’s fees—should be allowed to the prevailing party.” Fed. R. Civ. P. 54(d)(1). Thus, “Rule 54(d)(1) creates a presumption in favor of awarding costs to a prevailing party, but the district court may refuse to award costs within its discretion.” *Champion Produce, Inc. v. Ruby Robinson Co., Inc.*, 342 F.3d 1016, 1022 (9th Cir. 2003). It is incumbent upon the non-prevailing party to demonstrate why costs should be denied. *Stanley v. Univ. of S. Cal.*, 178 F.3d 1069, 1079 (9th Cir. 1999). The Ninth Circuit has approved the following as appropriate reasons for denying costs: “(1) a losing party’s limited financial resources; (2) misconduct by the prevailing party; and (3) the chilling effect of imposing . . . high costs on future civil rights litigants.” *Champion Produce, Inc.*, 342 F.3d at 1022.

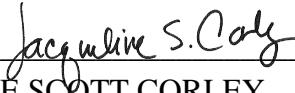
Pursuant to Civil Local Rule 54-2, Plaintiff must file her objection to Defendant’s Bill of

1 Costs by no later than 14 days after service of the Bill of Costs. Given Plaintiff's pro se status, the
2 Court extends this deadline; specifically, Plaintiff shall file her objection to the Bill of Costs by no
3 later than **Friday, October 17, 2014**.

4 The Court also reminds Plaintiff that she may contact the Legal Help Center, 450 Golden
5 Gate Avenue, 15th Floor, Room 2796, Telephone No. (415) 782-9000 extension 8657, for
6 assistance.

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8 **IT IS SO ORDERED.**

9 Dated: September 24, 2014

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11 JACQUELINE SCOTT CORLEY
12 United States Magistrate Judge

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United States District Court
Northern District of California